

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DATE FILED: **DEC 09 2013**

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ANNETTE POLLOCK, VICTOR VIERA, JR., and :  
MISAEEL FERNANDEZ, on behalf of themselves :  
and all others similarly situated, et al., :

12 Civ. 8334 (KBF)

Plaintiffs, :

ORDER

-v- :

LEGENDS HOSPITALITY, LLC, and NEW YORK :  
YANKEES PARTNERSHIP, :

Defendants. :

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KATHERINE B. FORREST, District Judge:

The Court has received plaintiffs' signed acceptance of defendant Legends Hospitality, LLC's ("Legends") amended offer of judgment for the two Fair Labor Standards Act ("FLSA") causes of action in the complaint. (ECF No. 88.) Specifically, pursuant to Federal Rule of Civil Procedure 68, Legends offers to allow judgment to be taken against it in favor of the three named plaintiffs in the amount of \$29,247.97 in satisfaction of all damages and liquidated damages arising under the FLSA, plus reasonable attorneys' fees, costs, and expenses in an amount to be determined by the Court. (*Id.*) Plaintiffs' acceptance of this offer moots their FLSA claims and thus removes the basis for federal jurisdiction over this action. Accordingly it is hereby

ORDERED that this offer and acceptance of judgment, which settles plaintiffs' FLSA claims against defendants, is approved as fair and reasonable.

Plaintiffs shall submit materials setting forth the reasonable attorneys' fees, costs, and expenses actually incurred in connection with this action for approval by the Court not later than **December 20, 2013**.

IT IS FURTHER ORDERED that plaintiffs' FLSA claims in the complaint are DISMISSED as moot.

IT IS FURTHER ORDERED that this action is remanded to New York state court—Supreme Court, Civil Branch, New York County.

The Clerk of Court is directed to terminate this action.

SO ORDERED.

Dated: New York, New York  
December 9, 2013



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KATHERINE B. FORREST  
United States District Judge